

REMARKS

Applicants have cancelled claims 3, 7, 15, 16, 18, 37 and 78-82 without prejudice to introduction in a subsequent application or reintroduction in the present application. Applicants have additionally added new claim 83. Support for new claim 83 is found in the paragraphs [0006] and [0036] as well as elsewhere throughout the specification of the corresponding published application, United States Application Publication Number 2005/0202971. As a result, claims 1, 2, 4-6, 8-14, 17, 19-36, 38-77 and 83 are pending in the present application.

Claims 1-77 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0 631 805 (hereinafter EP '805) in view of United States Patent 5,494,881 to Machida et al. (hereinafter "Machida") and United States Patent 4,335,023 to Dettling et al. (hereinafter "Dettling"). Claims 1-77 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/801,140.

Applicant thank the Examiner for the in-person interview conducted to the United States Patent Office on June 17, 2008. During the interview Applicants and the Examiner discussed the prior art references of EP '805, Machida and Dettling in relation to claim 1. An agreement was not reached regarding claim amendments that would overcome the present rejections. The Examiner, however, suggested adding structural limitations to claim 1 to further differentiate from the applied prior art.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and following Remarks.

Claims 1-77 and 35 U.S.C. § 103(a)

The rejection of claims 1-77 under § 103(a) as being unpatentable over EP '805 in view of Machida and Dettling is respectfully traversed. Applicants have amended the present independent claims to include further structural limitations in compliance with the Examiner's suggestion. Support for the present claim amendments is found in paragraphs [0006], [0033] and [0035] as well as elsewhere throughout the specification of the corresponding published application. Additional support is found in Figures 1-3 of the present application.

As set forth above Applicants have cancelled claims 3, 7, 15, 16, 18, 37 and 78-82 without prejudice to introduction in a subsequent application or reintroduction in the present application. The cancellation of these claims renders their rejection herein moot.

In view of the 37 C.F.R. § 1.132 affidavits by Dr. Thomas Hastings and Mr. Chris DiFrancesco submitted herewith, Applicants respectfully assert that claims 1, 2, 4-6, 8-14, 17, 19-36 and 38-77 are patentable of the combination of EP '805, Machida and Dettling and respectfully request that the Examiner withdraw the present rejection.

Claims 1-29 and Non-Statutory Obviousness Type Double Patenting

Applicants respectfully acknowledge the provisional rejection of claims 1-77 over claims 1-28 of copending United States Patent Application Serial Number 10/801,140. Applicants draw the attention of the Examiner to the fact that United States Patent Application Serial Number 10/801,140 is the present application. Applicants believe the Examiner meant copending United States Patent Application 11/122,261 and will treat the rejection as such. Clarification is requested in the next action. If claims 1, 2, 4-6, 8-14, 17, 19-36 and 38-77 of the present application are allowable and, in the opinion of the Examiner, sustain such an obviousness-type double patenting rejection, Applicants may respond to such a rejection when it is made by filing a terminal disclaimer.

For the foregoing reasons, Applicants respectfully request that the provisional obviousness-type double patenting rejection of claims 1-77 over claims 1-28 of copending United States Patent Application Serial Number 10/801,140 be withdrawn.

New Claim 83

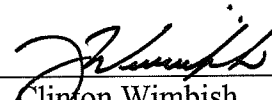
Applicants have added new claim 83. Support for new claim 83 is provided above. For reasons consistent with those discussed above, Applicants respectfully assert new claim 83 is patentable over the applied prior art and prior art of record in the present application.

CONCLUSION

In view of the foregoing, a favorable Office Action is respectfully solicited. The Examiner is respectfully invited to contact J. Clinton Wimbish at 704.338.5021 to discuss any matter related to the present application.

Respectfully submitted,

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Date


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